

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Pacific Bell Telephone Company (U 1001 C),  
Complainant,  
v.  
MAP Mobile Communications, Inc.,  
Defendant.

Case 05-11-016  
(Filed November 21, 2005)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND  
ADMINISTRATIVE LAW JUDGE**

**Summary**

This ruling and scoping memo (Scoping Memo) confirms certain rulings made at the prehearing conference (PHC) in this case held Thursday, January 12, 2006, and sets forth the schedule, the issues, and addresses other procedural requirements.

**Schedule**

The briefing schedule is dependent on the outcome of the motion to dismiss. If a draft decision issues granting the motion to dismiss, then the briefing schedule is suspended pending Commission action on the draft decision. If the motion to dismiss is denied, then the briefing schedule should take place according to the dates set forth below.

Date	Event
Thursday, January 19, 2006	<ul style="list-style-type: none"> <li>• Complainant files response to motion to dismiss; and</li> <li>• Complainant and defendant make a joint filing entitled “Copies of FCC filings per Administrative Law Judge (ALJ) Econome’s request” attaching to the caption page the relevant documents in FCC File No. EB-05-MD-010 (i.e., complaint, response, reply and briefing on the motion to dismiss). The parties may serve each other with a notice of availability but should serve the ALJ with a hard copy of this document.</li> </ul>
Friday, January 20, 2006	Complainant files response to motion for leave to file an amended answer
Tuesday, February 7, 2006	Defendant files reply to motion to dismiss and motion for leave to file an amended answer
Wednesday, March 15, 2006	Ruling or draft decision on the motion to dismiss issues
Tuesday, April 4, 2006	Concurrent opening briefs filed on merits
Wednesday, April 26, 2006	Concurrent reply briefs filed on merits.
Tuesday, July 25, 2006	Last day to mail draft decision

Our goal is to resolve this case as soon as possible and we anticipate that the resolution will not exceed 12 months from the date of filing the complaint, pursuant to Pub. Util. Code § 1701.2(d).<sup>1</sup>

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<sup>1</sup> Section 1701.2(d) states that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.

### **Scope of the Proceeding**

The scope of the proceeding is: (1) Whether the complaint should be dismissed according to defendant's motion to dismiss filed on December 28, 2005; (2) did the interconnection agreement between the parties terminate in November 1999; and (3) if the answer to issue number 2 is no, what does defendant owe complainant for services and facilities defendant ordered from complainant under the interconnection agreement?

### **Category of Proceeding**

This proceeding is categorized as adjudicatory. The instructions to answer state that hearings are necessary. At the PHC, the parties believed that the case could be adjudicated without hearings, either by a motion to dismiss or upon briefing the merits. A final determination of whether to change the hearing designation in the instructions to answer will be made at a later date.

### **Presiding Officer**

Pursuant to Rule 6(c), Assigned Commissioner Brown designates ALJ Econome as the presiding officer.

### **Service List**

The service list for this proceeding is attached to this Scoping Memo as Appendix A. The Commission has recently instituted electronic service rules. Further information about these rules is available at the Commission's website, [www.cpuc.ca.gov](http://www.cpuc.ca.gov). These rules pertain to service only. The filing rules have not changed and the Commission does not at this time have electronic filing.

### **Communications With Decision Makers (Ex Parte Communication)**

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding. For example, a party or any other person who has a financial interest in this proceeding is prohibited from speaking with a decision

maker on a substantive issue in this case. (See Pub. Util. Code § 1701.1, 1701.2, and Rules 5 and 7 of the Commission's Rules of Practice and Procedure for specific rules on ex parte communications.)

### **Discovery Disputes**

If the parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes pursuant to Resolution ALJ-164.

#### **IT IS RULED that:**

1. The schedule and scope of this case are as set forth in this Scoping Memo, unless subsequently modified by Assigned Commissioner or Assigned Administrative Law Judge (ALJ) directive.
2. ALJ Econome is the presiding officer in this proceeding.
3. The service list for this proceeding is attached as Appendix A.
4. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.
5. The parties shall raise any discovery disputes pursuant to Resolution ALJ-164.

Dated January 20, 2006, at San Francisco, California.

/s/ GEOFFREY F. BROWN  
Geoffrey F. Brown  
Assigned Commissioner

/s/ JANET A. ECONOME  
Janet A. Econome  
Administrative Law Judge

APPENDIX A

Case 05-11-016 Service List

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(End of Appendix A)

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge on all parties of record in this proceeding or their attorneys of record.

Dated January 20, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.